



## CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 25, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0186

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

*This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.*

### **EXECUTIVE SUMMARY:**

Named Employee #1 (NE#1)—a supervising parking enforcement officer—towed the Complainant's vehicle. The Complainant alleged that NE#1 towed his vehicle, but not others, because he is Black.

### **ADMINISTRATIVE NOTE:**

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview NE#1 in this case.

On May 30, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

### **SUMMARY OF INVESTIGATION:**

OPA received a complaint and opened an intake investigation. During its investigation, OPA reviewed the OPA complaint as well as the parking citation and court packet. OPA also interviewed the Complainant.

On April 28, 2023, the Complainant called OPA and left a voicemail. The Complainant said his car was towed for the second time on his street. The Complainant said there were several cars ahead and behind him that were not towed or ticketed. The Complainant said he was "parked on white" but confused as to why his car was towed within 15 minutes while other cars were not. The Complainant alleged discrimination.

On April 28, 2023, Witness Officer #1 (WO#1)—a parking enforcement officer—issued the Complainant a parking citation for violating Seattle Municipal Code (SMC) 11.72.285.<sup>1</sup> WO#1 wrote in the citation that the Complainant

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<sup>1</sup> SMC 11.72.285 provides, "In a passenger load zone during the hours the zone restriction is in effect, no person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers for a period not to exceed three (3) minutes."



parked in a three-minute passenger load zone. WO#1 wrote that he chalked the Complainant's tire at 8:19 AM and issued the citation at 8:34 AM. WO#1 photographed the Complainant's vehicle and included them in the citation. One of the photographs depicted the following:



*Image of Complainant's vehicle taken by WO#1*

OPA interviewed the Complainant. The Complainant said he parked his vehicle in a three-minute passenger load zone, which was marked white. The Complainant acknowledged his vehicle was parked for at least 15 minutes. The Complainant said he was parked there because there were no other parking spots available near his office. The Complainant said there were vehicles parked in load zones on the same street that were still there after his vehicle was towed, though the Complainant acknowledged these were 15-minute load zones.

The Complainant said his vehicle was towed before for the same reason, so he believed his vehicle was towed this time because he is Black. OPA asked the Complainant how NE#1 would have known the Complainant's race prior to towing his vehicle, but the Complainant could not answer. The Complainant believed he was the only Black person who parked on that street, though he was unable to substantiate that claim. The Complainant said there were vehicles parked behind him that were not towed, but the Complainant could not recall if those vehicles were in a load zone.

The Complainant said he did not speak with WO#1 or any other parking enforcement officer. The Complainant said he only spoke with NE#1. The Complainant said that NE#1 told him that his vehicle was parked in the load zone for over 15 minutes. The Complainant said NE#1 did not say anything to him to indicate that NE#1's actions were motivated based on the Complainant's race. The Complainant said that while his vehicle should not have been towed, he did not want NE#1 to get into trouble.

#### **ANALYSIS AND CONCLUSIONS:**

##### **Named Employee #1 – Allegation #1**

##### ***5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing***



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The Complainant alleged that NE#1 engaged in bias-based policing.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. This includes different treatment based on the race of the subject. *See id.* Officers are forbidden from both, (i) making decisions or taking actions influenced by bias, and (ii) expressing any prejudice or derogatory comments concerning personal characteristics. *See* SPD Policy 5.140-POL-2.

Here, the Complainant believed his vehicle was towed because he is Black. The Complainant said there were vehicles parked behind him that did not get towed, though he could not recall if they were in a load zone. WO#1’s photographs showed that the Complainant’s vehicle was parked next to a sidewalk marked in white. The sidewalk behind the Complainant’s vehicle was not marked at all. Therefore, the vehicles parked behind the Complainant’s vehicle were legally parked outside the load zone. The Complainant did not interact with WO#1, so there was no way for WO#1 to know the Complainant’s race before WO#1 issued the parking citation. Furthermore, the Complainant acknowledged that he parked in the load zone for 15 minutes—five times more than the allotted time—but implied his violation was justified because he could not find parking spots near his office. The Complainant also acknowledged that other vehicles on the same street were parked in 15-minute load zones, not three-minute load zones. Lastly, the Complainant acknowledged that NE#1 did not say anything to him to suggest that NE#1’s actions were motivated based on his race. Therefore, based on the evidence provided, WO#1’s and NE#1’s enforcement actions were motivated by the Complainant’s parking violation, not his race.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**